



Legislative Bulletin.....September 5, 2001

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**H.R. 2291—To extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.
 (Portman)**

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: The bill would extend and increase the authorization of the Drug-Free Communities Support Program (first authorized in the National Narcotics Leadership Act of 1988) through fiscal year 2007. Below is a chart showing the proposed increases in appropriations authorized under H.R. 2291 for this Program:

<u>Fiscal Year</u>	<u>Current Law</u>	<u>H.R. 2291</u>
2001	\$40 million	--
2002	\$43.5 million	\$50.6 million
2003	--	\$60 million
2004	--	\$70 million
2005	--	\$80 million

2006	--	\$90 million
2007	--	\$99 million

Additionally, H.R. 2291 would increase the percentage of appropriations available for administrative expenses from the 3% in current law to 6% through fiscal year 2007.

H.R. 2291 would extend the authorization (set to expire at the end of this month) for the Advisory Commission on Drug-Free Communities through fiscal year 2007. The bill would also allow the awarding of supplemental grants for mentoring activities and would establish guidelines for awarding new and renewal grants.

The Director of the Office of National Drug Control Policy would be authorized (via a grant to an eligible organization) to establish a National Community Antidrug Coalition Institute (which would focus on antidrug efforts in economically disadvantaged areas and bridging the gap between research findings and practical application of such findings). This Institute would be authorized \$2 million in each of fiscal years 2002 and 2003, \$1 million in each of fiscal years 2004 and 2005, and \$750 thousand in each of fiscal years 2006 and 2007.

The bill contains language prohibiting duplication of efforts by antidrug grant recipients.

Cost to Taxpayers: The CBO reports that this bill would cost \$413.5 million over the fiscal year 2002-2007 period, assuming full appropriation of the authorized amounts.

Does the Bill Create New Federal Programs or Rules? It extends and increases the Drug-Free Communities Support Program, extends the Advisory Commission on Drug-Free Communities, and authorizes the creation of a National Community Antidrug Coalition Institute.

Constitutional Authority: The Committee on Government Reform cites (in House Report 107-175) constitutional authority in Article I, Section 8, Clause 1 (specifically the power to provide for the general welfare).

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

**H.Res. 202— Expressing the sense of the House of Representatives
regarding the establishment of a Summer Emergency Blood Donor Season
to encourage eligible donors in the United States to donate blood.
(McCarthy, Carolyn)**

Order of Business: The resolution is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: The resolution would call for the establishment of a Summer Emergency Blood Donor Season to encourage blood donations and for the President to issue a proclamation encouraging Americans to recognize and otherwise participate in such a Season.

Among the resolution's findings are:

- Whereas shortages of type O and type B blood are most acute during the summer and during traditional vacation periods during the winter
- Whereas the Southeastern United States was in short supply of blood for transfusions before being hit by tropical storm Allison and is now experiencing a blood shortage crisis
- Whereas the State of New York is experiencing a blood shortage crisis
- Whereas the summer of 2001 would be an appropriate season to establish as Summer Emergency Blood Donor Season

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 2510—Defense Production Act Amendments of 2001 (King)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: The bill would extend the authorization of the Defense Production Act of 1950 (currently set to expire at the end of this month) through September 30, 2004, and would authorize all necessary appropriations through that date. The major provisions of the Act are as follows:

- Authorizes the President to require preferential performance on contracts and orders to meet approved national defense requirements
- Authorizes the President to allocate materials, services, and facilities as necessary to promote the national defense in a major national emergency
- Authorizes loan guarantees, direct loans, and purchase guarantees for those goods necessary for national defense
- Allows the President to void international mergers that would adversely affect national security

Cost to Taxpayers: The CBO estimates that implementing H.R. 2510 would cost about \$85 million between fiscal years 2002 and 2006. The cost would be mostly for purchase guarantees and loans.

Does the Bill Create New Federal Programs or Rules?: The bill would reauthorize current law.

Constitutional Authority: The House Financial Services Committee (in House Report 107-173) cites constitutional authority in Article 1, section 8, clause 1 (relating to the general welfare of the United States); Article 1, section 8, clause 3 (relating to the power to regulate interstate commerce); Article 1, section 8, clause 5 (relating to the power to coin money and regulate the value thereof); and Article I, section 8, clause 18 (relating to making all laws necessary and proper).

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1866— To amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents. (Coble)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: H.R. 1866 would clarify federal patent law to provide that previous consideration by the Patent and Trademark Office of a patent or printed publication does not rule out the possibility of a substantially new question of patentability in patent reexamination proceedings.

Additional Background: This bill addresses a 1997 ruling by the U.S. Court of Appeals for the Federal Circuit that concluded that the Patent and Trademark Office may not grant a request to reexamine a patent if that request cites the same evidence presented in previous proceedings. Once that ruling was issued, reexamination requests declined from an average of about 400 a year to about 350 a year, according to the CBO.

Cost to Taxpayers: Because this bill would likely encourage more patent reexaminations, the CBO estimates that it would cost the Patent and Trademark Office an additional \$1 million a year, subject to annual appropriation.

Does the Bill Create New Federal Programs or Rules?: The bill would clarify but not alter current law.

Constitutional Authority: The Judiciary Committee (in House Report 107-120) cites constitutional authority in Article I, Section 8, Clause 8 (the power to secure “for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”).

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1886— To amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings. (Coble)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: H.R. 1886 would amend federal patent law to allow a third-party requester (i.e. a person other than the patent owner) in a patent reexamination proceeding to:

- appeal *only* to the U.S. Court of Appeals for the Federal Circuit with respect to any final decision on patentability
- be a party to any appeal taken by the patent owner (with certain restrictions)
- appeal a decision of the Board of Patent Appeals and Interferences.

Additional Background: Under current law, third parties can file a request with the Patent and Trademark Office to reexamine a patent's validity and can appeal the agency's ruling to a special board. Unlike the patent owner, however, a third party is not currently allowed to appeal the special board's ruling to the U.S. Court of Appeals for the Federal Circuit.

Cost to Taxpayers: Because this bill would create a new level of appeal for third parties in patent reexaminations, the CBO estimates that it would cost the Patent and Trademark Office an additional \$3 million a year on attorneys and administration, subject to annual appropriation.

Does the Bill Create New Federal Programs or Rules?: H.R. 1886 would create a new level of appeal for third parties in patent reexaminations.

Constitutional Authority: The Judiciary Committee (in House Report 107-121) cites constitutional authority in Article I, Section 8, Clause 8 (the power to secure “for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”).

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H.R. 2048—To require a report on the operations of the State Justice Institute. (Coble)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: H.R. 2048 would require the Attorney General to report to the House and Senate Judiciary Committees by October 1, 2002, on the effectiveness of the State Justice Institute (SJI). No such report has been made since the opening of the SJI in 1987.

Additional Background: Congress established the SJI as a private nonprofit corporation to “further the development and adoption of improved judicial administration in State courts.” The SJI provides funds to state courts and other organizations which support state courts. Since 1987, the SJI has awarded more than \$125 million in grants to support over 1000 projects.

The authorization for the SJI expired in fiscal year 1996. H.R. 2048 does not reauthorize the SJI. During the past 9 years, the appropriators have allocated roughly \$7 million a year in funding for the SJI. The most recent House bill contains \$6,835,000 in funding for SJI operations in Fiscal Year 2002.

Cost to Taxpayers: The CBO estimates that preparing the report would cost less than \$500,000.

Does the Bill Create New Federal Programs or Rules?: It mandates an effectiveness report.

Constitutional Authority: The Judiciary Committee (in House Report 107-189) cites constitutional authority in Article I, Section 8, Clause 18 (the power to make all laws “necessary and proper”).

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 2277—To provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors. (Gekas)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: H.R. 2277 would authorize the spouses of certain legal aliens (--specifically nonimmigrant businessmen and investors) to work in the United States according to the same laws governing the principal legal aliens. Based on information from the Immigration and Naturalization Service (INS), the CBO estimates that the bill would apply to roughly 10,000 spouses annually.

Cost to Taxpayers: Because any new costs that the INS would incur from H.R. 2277 would be offset by the \$100 work-permit fee per applicant, the CBO estimates that this bill would result in no net cost to the federal government.

Does the Bill Create New Federal Programs or Rules?: It extends current immigration law to cover spouses of certain legal aliens.

Constitutional Authority: The Judiciary Committee (in House Report 107-187) cites constitutional authority in Article I, Section 8, Clause 4 (“to establish an uniform Rule of Naturalization”).

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H.R. 2278— To provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States. (Gekas)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, September 5, 2001.

Summary: H.R. 2278 would allow the nonimmigrant spouses of intracompany-transferee aliens to work in the United States and reduce from one year to six months the required period of prior continuous foreign employment with an employer petitioning for an employee’s intracompany transfer. Based on information from the Immigration and Naturalization Service (INS), the CBO estimates that the bill could spur 10,000 to 20,000 spouses each year to seek employment authorization from the INS.

Cost to Taxpayers: Because any new costs that the INS would incur from H.R. 2278 would be offset by the \$100 work-permit fee per applicant, the CBO estimates that this bill would result in no net cost to the federal government.

Does the Bill Create New Federal Programs or Rules?: It extends current immigration law to cover spouses of certain legal aliens and otherwise modifies current law.

Constitutional Authority: The Judiciary Committee (in House Report 107-188) cites constitutional authority in Article I, Section 8, Clause 4 (“to establish an uniform Rule of Naturalization”).

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